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Amendment Under 37 C.F.R. § 1.116
Expedited Procedure - Art Unit 1637

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NAZARENKO *et al.*

Appl. No. 09/599,594

Filed: June 22, 2000

For: **Primers and Methods for the
Detection and Discrimination of
Nucleic Acids**

Confirmation No.: 8750

Art Unit: 1637

Examiner: Fredman, J.

Atty. Docket: 0942.4980002/RWE/MTT

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Amendment and Reply Under 37 C.F.R. § 1.116

Attn: Box AF

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action dated September 23, 2002 (Paper No. 22), Applicants submit the following Amendment and Remarks. This Amendment is provided in the following format:

- (A) A clean version of each replacement paragraph/section/claim along with clear instructions for entry;
- (B) Starting on a separate page, appropriate remarks and arguments. 37 C.F.R. § 1.116; and
- (C) Starting on a separate page, a marked-up version entitled: "Version with markings to show changes made."

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04 FC:1203

84.00 OP
280.00 OP

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

Amendments

In the Claims:

Please substitute the following claim 10 for the currently pending claim 10:

CI
10. (Three times amended) A method for the quantification of one or more target nucleic acid molecules in a sample comprising hybridizing one or more detectably labeled oligonucleotides with one or more nucleic acid molecules to be quantified, wherein said one or more oligonucleotides comprise one or more detectable labels located only internally and said one or more labels undergo a detectable change in an observable property upon becoming part of a double stranded molecule, and quantifying the amount of said one or more target nucleic acid molecules;

with the proviso that said one or more detectably labeled oligonucleotides do not comprise an acceptor molecule.

~~Please substitute the following claim 11 for the currently pending claim 11:~~

11. (Three times amended) A method for the quantitation or detection of one or more nucleic acid molecules in a sample during nucleic acid synthesis comprising: